



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*271 Cadman Plaza East
Brooklyn, New York 11201*

June 27, 2018

By Hand and ECF

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States of America v. Myron Gushlak,*
Criminal Docket No. CR-03-0833 (NGG) (E.D.N.Y.)

Dear Judge Garaufis:

The government respectfully requests that the Court adjourn *sine die* the status conference, currently scheduled for July 13, 2018, at 11:00 AM, regarding the government's motion to compel non-party witness Yelena Furman to comply with a document and deposition subpoena that was previously served upon her. Counsel for Ms. Furman has no objection to this request. The government hereby withdraws the motion to compel because Ms. Furman has fully complied with the subpoena.

By way of background, the government submitted the motion to compel on December 8, 2017. See Docket Entry 130. Ms. Furman initially opposed the motion to compel, citing objections to the subpoena based on her Fifth Amendment and act-of-production privileges. See Docket Entry 133, December 12, 2017, Opposition Letter. Shortly thereafter, Ms. Furman obtained new counsel, withdrew her objections to the subpoena, and requested an adjournment of the status conference, which had previously been scheduled for January 30, 2018, in order to produce documents responsive to and in compliance with the subpoena previously served upon her. See Docket Entry 137, January 24, 2018, Extension Request by Yelena Furman. Since that time, Ms. Furman has produced documents in response to the subpoena, sat for a deposition, and signed the transcript of the deposition under penalty of perjury. As a result, there are no outstanding issues with respect to the subpoena served on Ms. Furman.

Finally, we take this opportunity to notify the Court that the defendant in the above-referenced case, Myron Gushlak, is purportedly residing in Dubai.¹ Mr. Gushlak currently has “fugitive” status in the criminal case, *United States of America v. Myron Gushlak, and Yelena Furman*, 1:17-cr-20713-CMA (S.D. Fla.). Nevertheless, the government continues to seek discovery in aid of our efforts to enforce the criminal judgment imposing a \$17.4 million restitution order and \$25 million fine imposed against Mr. Gushlak. Furthermore, the government is reviewing and pursuing several possible avenues of enforcement of the criminal judgment.

We thank the Court for its consideration of this application.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: /s/
Peter A. Laserna
Assistant U.S. Attorney
(718) 254-6152

cc: Myron Gushlak
Defendant
The Ritz Carlton Residences, Toronto
183 Wellington Street W, #4801
Toronto, Ontario M5V 0A1
Canada

Joel Hirschhorn, Esq. (via e-mail and ECF)
Gray Robinson
Attorneys for Nonparty Witness Yelena Furman

¹ The defendant has failed to notify the government of any of his changes of address since his release from incarceration. Therefore, we continue to send written correspondences to his last known address in Canada.